

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of:	Petrykowski, Kip)
Serial No.:	10/657,628)
Filed:	09/08/2003)
Art Unit:	3679)
Examiner:	Hewitt, James M.)
For:	SELF-SEALING FLUID FITTING)
	AND METHOD)
)
)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 7, 2008

Response with Amendments

In response to the First Official Action on the Merits (FAOM) mailed on December 11, 2007, the Applicant herein submits the following Response with Amendments.

Summary of Claim Rejections and Examiner-cited Support for Same

Applicant notes in the Office Action Summary that Claims 1-20 are pending in the application and that all Claims have been rejected under 35 USC §102(b) as being anticipated by Bona et al (US 4,955,643). Claims 1, 10, 13, 17, 18 and 20 are the pending independent Claims from which the remaining Claims depend. In the body of his Detailed Action and with particular reference to Attachment A to the FAOM which the examiner provided, that being a sheet containing Figs. 1 and 2 from Bona and having the examiner's hand-written annotations on Fig. 1, the Examiner cited Figs. 1 and 2 to support his rejections.

Arguments in Traverse

Applicant notes that the examiner has annotated Fig. 1 of Bona by using Applicant's terms with arrows or lines drawn in and pointing to certain elements in Fig. 1 of Bona to support his assertion that the elements so identified anticipate the Applicant. Noting that Bona's inventors are both from Italy and that the Bona patent itself claims priority to an earlier Italian patent, an English translation question presents itself as to what device the inventors believe to be an "eye type joint" is and furthermore how such a teaching is to be read in light of Applicant's Claims. Specifically, Bona teaches its "eye type joint" at Column 1, Line 8, abbreviated in the form C1, L8 hereinafter) and further informs of prior art teaching concerning the use of annealed copper washers at C1,L13.

All disclosed teachings in Bona, to include Bona's own citations to prior art, teach devices having four or more components. For example, Bona requires the use of "flexible round gaskets" and illustrates them as 9 and 9' in its Figs. (See first mention in Bona at C1,L45; then again at C1,L51; C1,L63; C2,L40-45; C2,L63 and 66; and C3,L1). Reading further, Bona teaches a combination of components wherein "Seal among the components is guaranteed by the flexibility and by the deformability and adherence of the gaskets...and by the arrangement of said gaskets between the conic surface of the joint holes and the groove of the clamping screw" (C1,L61-66)

Nowhere in Bona is the sealing of the components accomplished with a metal-on-metal seal nor is Bona's sealing accomplished through the use of only two components, namely a body and a bolt. In fact, Bona teaches a different concept altogether in that Bona requires the use of gaskets 9 and 9' to "guarantee" the seal (see Bona again at C1,L61-66). It is clear that the Bona teachings imply that if the gaskets 9 and 9' were

omitted, then the Bona device would fail in its function, that function in fact being destroyed, namely to “seal the components.” Therefore, a Bona device requires at least four components. Furthermore, the structure of Bona does not seal or function as taught absent the inclusion of such gaskets 9 and 9’. In addition, the “faces” 6 and 7 of Bona are not provided as seals. The faces 6 and 7 are instead provided by Bona as positive stops to prevent excessive squashing and deformation of the gaskets 9 and 9’.

Therefore, for the reasons discussed above, Bona fails to include each and every element or limitation of the subject matter contained in Applicant’s Claims as amended and tendered with this Response. Furthermore, not only does Bona require additional structure orientated in a specific way, but Bona does not include the tapered inner and outer wall members of Applicant. Without so admitting, even if Bona did include Applicant’s tapered inner and outer wall members, such tapered members would not be taught by Bona to be as arranged as they are arranged in Applicant’s Claims as mandated in the opinion rendered in *Lindemann v. American Hoist and Derrick Co.*, 730 F. 2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984). Therefore, by case law and statute, the cited §102(b) rejections fail and Applicant respectfully requests that the Examiner withdraw those rejections.

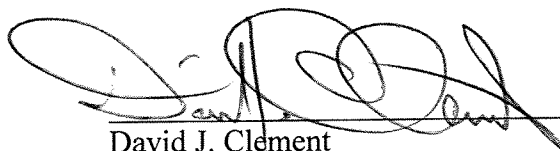
Claim Amendments

In connection with the arguments made above in traverse, Applicant has tendered an amended set of Claims showing current status of all Claims.

Complete and Timely Response

By the above, the Applicant has provided a timely response to the outstanding Official Action of December 11, 2007. Accordingly, the Applicant respectfully requests expeditious review and reply from the Examiner, said reply to conclude with a favorable examination of the present application, and that the present application be allowed and passed to issue.

Respectfully Submitted,



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